

# Exhibit D

FRLM :

FAX NO. : 3248400

Apr. 07 2007 11:13AM P 2



Michael Q. Wernicke  
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April 7, 2007

**VIA FACSIMILE AND U.S. MAIL**

Joby San Francisco (Fax: 415/252-5629)  
Attn: President  
1535 Mission Street, 2nd Floor  
San Francisco, CA 94103

Joby Santa Cruz (Fax: 831/420-0444)  
Attn: President  
101 Fair Avenue  
Santa Cruz, CA 95060

**Re: Gorilla Pod**

Dear Sir or Madam:

I am writing to you on behalf of my client Tocad America, Inc. A serious issue has arisen as a result of public comments made by your company concerning Tocad's marketing of its Sunpak FlexPod product. These comments have affected Tocad's customer relationships. According to the U.S. Patent and Trademark Office, your company has no patent protection on its Gorilla pod system, yet your company continues to tout that the Gorilla Pod is patented. We also advise, it is improper to say your unit has a "patent pending" if there is no patent application before the Patent Office. To continue to suggest and affirmatively state to the public, including Tocad's valuable customers, that your unit is protected by a patent is false and misleading and constitutes unfair competition under Section 43(a) of the Lanham Act. It is perspicuously clear that your company's intent is to thwart legitimate competition. We assure you that should your comments

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Perkins Coie LLP and Affiliates

FROM :

FAX NO. : 3248400

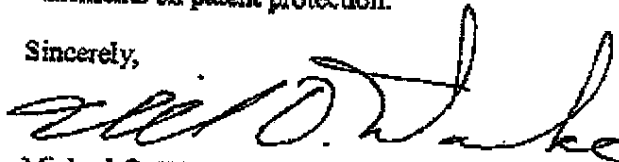
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persist, we will take appropriate legal action. Please respond to this letter within ten (10) business days with your assurance that you will discontinue making false and misleading statements on patent protection.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael O. Warnecke". The signature is fluid and cursive, with the first name "Michael" and last name "Warnecke" clearly distinguishable.

Michael O. Warnecke

MOW:ps

cc: Richard Darrow